

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. J-02/09-84  
 )  
 Appeal of )

The petitioner appeals the decision by the Department of Disabilities, Aging and Independent Living (DAIL) terminating the inclusion of "goods" in his son's Health and Community Services Waiver budget under Medicaid effective January 1, 2009. The issue is whether such services are no longer covered under the pertinent statute and regulations.

The petitioner's son receives developmental services under a Health and Community Services Waiver administered by DAIL. Included in his services budget was Medicaid coverage for "goods", which are monies that according to the Department can be used by families to purchase things such as therapeutic educational and athletic activities that are medically indicated but not necessarily mandated for coverage under Medicaid. In January 2009 the Department notified all recipients of developmental services that beginning January 1, 2009, it was amending its statewide *Developmental Services*

*System of Care Plan* to, *inter alia*, eliminate all coverage for "goods".

The Department's action was a result of the current fiscal crisis, and was approved by the Vermont Legislature and enacted pursuant to the Commissioner's discretion and authority under 18 V.S.A. § 8725.

There is no issue in this case that the petitioner's son derived substantial benefit from the "goods" services he received. However, the Board is nonetheless constrained to affirm the Department's decision in that the petitioner has made no claim or showing that it is not fully in accord with federal and state law and regulations.

ORDER

The Department's decision is affirmed.

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